

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD GONDA,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	
	)	Civil Action No. 00-2286
	)	
METROPOLITAN LIFE INSURANCE COMPANY	)	
and WILLIAM FRIEDT, JR.,	)	
	)	
Defendant.	)	

AMBROSE, Chief District Judge.

**MEMORANDUM ORDER OF COURT**

On June 19, 2006, Defendants filed a Motion *In Limine* to Strike Demand for Attorneys' Fees Under Plaintiff's Unfair Trade Practices and Consumer Protection Law ("UTPCPL") Claim. (Docket No. 54). Defendants argue that Plaintiff is not entitled to attorneys' fees incurred prior to February 2, 1997, because the UTPCPL statutory language in effect prior to its 1996 amendment (effective 2/2/97) does not expressly provide litigants with the right to attorneys fees. In response, Plaintiff argues that they can recover attorneys fees incurred prior to February 2, 1997, under the UTPCPL. (Docket No. 82).

A review of the statute reveals that attorneys' fees were not explicitly added as a remedy under the UTPCPL until February 2, 1997. 73 P.S. §201-1, *et seq.* Rather, the statute provides that this court "in its discretion,...may provide such additional relief as it deems necessary or proper." 73 P.S. §201-9.2 (1996). This language

indicates that this court may award attorneys fees if it deems it necessary or proper. This case has not gone to trial, and, as such, the jury has not returned a verdict in favor of Plaintiff on his UTPCPL claim. As a result, I will not preclude the award of attorneys fees incurred from November 28, 2005,<sup>1</sup> through February 2, 1997, at this juncture.

THEREFORE, this **29<sup>th</sup>** day of June, 2006, after careful consideration, it is ordered that Defendants' Motion *in Limine* to Strike Demand for Attorneys' Fees Under Plaintiff's UTPCPL Claim (Docket No. 54) is denied.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,  
Chief U. S. District Judge

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<sup>1</sup>Plaintiffs initiated litigation on November 28, 1995, by way of a Praecipe for Writ of Summons in the Court of Common Pleas of Allegheny County at G.D. No. 95-19116. See, Docket No. 1. The actual Complaint was filed on or about October 17, 2000. See, Docket No. 1. On November 16, 2000, Defendants filed a Notice of Removal in this Court. *Id.*